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# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 027830-4471	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US 03/28922	International filing date (day/month/year) 12.09.2003	Priority date (day/month/year) 12.09.2002
International Patent Classification (IPC) or both national classification and IPC B60R11/00		
Applicant JOHNSON CONTROLS TECHNOLOGY COMPANY et al.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 14 sheets, including this cover sheet.  
  
☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
  
 These annexes consist of a total of 3 sheets.

- This report contains indications relating to the following items:
  - ☒ Basis of the opinion
  - ☐ Priority
  - ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - ☒ Lack of unity of invention
  - ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - ☐ Certain documents cited
  - ☐ Certain defects in the international application
  - ☐ Certain observations on the international application

Date of submission of the demand  08.04.2004	Date of completion of this report  12.11.2004
Name and mailing address of the international preliminary examining authority:   European Patent Office - Giltshiner Str. 103 D-10958 Berlin Tel: +49 30 25901 - 0 Fax: +49 30 25901 - 840	Authorized Officer  David, P  Telephone No. +49 30 25901-537  

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/US 03/28922**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-16 as originally filed

**Claims, Numbers**

1-22 filed with telefax on 12.10.2004

**Drawings, Sheets**

1/11-11/11 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/US 03/28922**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,  
☒ claims Nos. 3-7, 11-14, 16-18, 19-22

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):  
☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):  
☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.  
☒ no international search report has been established for the said claims Nos. 3-7, 11-14, 16-18, 19-22

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

- ☐ the written form has not been furnished or does not comply with the Standard.  
☐ the computer readable form has not been furnished or does not comply with the Standard.

**IV. Lack of unity of invention**

1. In response to the invitation to restrict or pay additional fees, the applicant has:

- ☒ restricted the claims.  
☐ paid additional fees.  
☐ paid additional fees under protest.  
☐ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/US 03/28922**

☒ not complied with for the following reasons:

**see separate sheet**

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

☐ all parts.

☒ the parts relating to claims Nos. 1,2,8,9,10,15 .

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	2
	No: Claims	1, 8-10, 15
Inventive step (IS)	Yes: Claims	
	No: Claims	1,2,8-10,15
Industrial applicability (IA)	Yes: Claims	1,2, 8-10, 15
	No: Claims	

2. Citations and explanations

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/US 03/28922

**Re Item IV**

**Lack of unity of invention**

The separate groups of invention are:

**Invention 1:** claims 1, 2, 8, 9, 10, 15

**Invention 2:** first alternative of claim 3, 19-22

**Invention 3:** second alternative of claim 3

**Invention 4:** the three first alternatives of claim 4

**Invention 5:** the fourth alternative of claim 4

**Invention 6:** the fifth alternative of claim 4

**Invention 7:** the three alternatives of claim 5, claim 6

**Invention 8:** claim 7

**Invention 9:** claim 11

**Invention 10:** claim 12

**Invention 11:** claim 13

**Invention 12:** the first alternative of claim 14

**Invention 13:** the second alternative of claim 14

**Invention 14:** the third alternative of claim 14

**Invention 15:** the fourth alternative of claim 14

**Invention 16:** the fifth alternative of claim 14

**Invention 17:** claims 16, 17

**Invention 18:** claim 18

Remark: Claim 6 can only be dependent on claim 5 because it referred to subject matter only introduced in said claim 5.

The present application has been deemed to contain 18 inventions which are not linked such that they form a single general inventive concept, as required by Rules 13.1, 13.2 and 13.3, PCT for the following reasons:

The prior art has been identified as: JP9328039A, referred in the following as D1.

D1 discloses (see abstract and figures) a floor console **suitable** for use in a vehicle, the floor console comprising:

a base 5 **suitable for being coupled to the vehicle 2 between a first seat and a**

**second seat located in a row of seats in the vehicle;**

**a first panel 6 and a second panel 9 rotatably coupled to the base 5 (the second panel 9 is rotatably coupled through the hinge 13 to the first panel 6 which itself is rotatably coupled through the hinge 7 to the base 5, so that the second panel 9 is rotatably coupled to the base 5) and rotatable between a lowered position and a raised position to provide additional storage capabilities;**

**a first flexible member 16 and a second flexible member 16 coupled to the first panel 6 and to the second panel 9, wherein a storage area is provided by the first panel 6, the second panel 9, the first flexible member 16 and second flexible member 16, and the base 5 when the first panel 6 and the second panel 9 are rotated to the raised position; a module 11 configured to be removably retained by being disposed in the storage area,**

**wherein the floor console provides a low profile condition when the first panel 6 and the second 9 panels are in the lowered position and provides an additional storage area condition when the first panel 6 and the second panel 9 are in the upright position.**

**D1 discloses therefore the features of independent claim 1.**

D1 discloses also the features of dependent claims:

8 (see D1, fig. 2, 3, 4), actually that each of the first and second flexible members 16 comprise netting;

9 (see D1, fig. 2, 3, 4), actually that the netting is coupled to a rigid frame 8a;

10 (see D1, figures), actually that the first and second panels 16 are configured for pivotal movement and provide side walls when in the upright position;

15 (see D1, figure 2), actually that the first panel 6 is disposed towards the front of the vehicle, the second panel 9 is disposed towards the rear of the vehicle;

### **Invention 1**

The additional features of dependent claim 2 are not disclosed by D1 and therefore can be seen to make the following contribution over this prior art (Special Technical Features (STF), (Rule 13.2 PCT)): **the first and second panels are spring biased to the raised position or the lowered position.**

From these STF the objective problem to be solved by the 1st invention can be construed as: **how to facilitate opening or closing of the panels.**

## Invention 2

The additional features of the first alternative of dependent claim 3 are not disclosed by D1 and therefore can be seen to make the following contribution over this prior art (Special Technical Features (STF), (Rule 13.2 PCT)): **the base is located between a pair of spaced apart seats.**

D1 discloses also (see abstract and figures) a vehicle interior system for use in a vehicle, the vehicle interior system comprising:  
a first seat and a second seat in a row of seats in the vehicle (a usual vehicle has at least a row of two seats);  
a floor console including:  
a base 5 coupled to the vehicle 2;  
a first panel 6 pivotally coupled to the base 5 and a second panel 9 pivotally coupled to the base 5 **(the second panel 9 is rotatably coupled through the hinge 13 to the first panel 6 which itself is rotatably coupled through the hinge 7 to the base 5, so that the second panel 9 is rotatably coupled to the base 5)**, the first panel and the second panel 6, 9 pivotable between a lowered position and a raised position;  
wherein a storage area is defined by the first panel 6, the second panel 9, and the base 5 when the first panel 6 and the second panel 9 are in the raised position;  
wherein the floor console provides a low profile condition when the first panel 6 and the second 9 panels are in the lowered position and provides the storage area when the first panel 6 and the second panel 9 are in the upright position, **from which the subject matter of claim 19 differs in that (Special Technical Features (STF), (Rule 13.2 PCT)): the base is coupled to the vehicle between the first seat and the second seat located in a row of seats in the vehicle.**

From these STF the objective problem to be solved by the 2nd invention can be construed as: **how to use the console as service facility for front passengers.**

## Invention 3

The additional features of the second alternative of dependent claim 3 are not disclosed by D1 and therefore can be seen to make the following contribution over this prior art (Special Technical Features (STF), (Rule 13.2 PCT)): **the base is located in a cargo area of the vehicle.**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

---

International application No. PCT/US 03/28922

From these STF the objective problem to be solved by the 3rd invention can be construed as: **how to use the console for luggage.**

**Invention 4**

The additional features of the three first alternatives of dependent claim 4 are not disclosed by D1 and therefore can be seen to make the following contribution over this prior art (Special Technical Features (STF), (Rule 13.2 PCT)): **the base comprises a tray or a removable tray or one or more cup holders.**

From these STF the objective problem to be solved by the 4th invention can be construed as: **how to use the base as a service surface.**

**Invention 5**

The additional features of the fourth alternative of dependent claim 4 are not disclosed by D1 and therefore can be seen to make the following contribution over this prior art (Special Technical Features (STF), (Rule 13.2 PCT)): **the base comprises a power port.**

From these STF the objective problem to be solved by the 5th invention can be construed as: **how to provide a power facility.**

**Invention 6**

The additional features of the fifth alternative of dependent claim 4 are not disclosed by D1 and therefore can be seen to make the following contribution over this prior art (Special Technical Features (STF), (Rule 13.2 PCT)): **the base comprises a parking brake.**

From these STF the objective problem to be solved by the 6th invention can be construed as: **how to integrate the base in the vehicle.**

**Invention 7**

The additional features of the three alternatives of dependent claim 5 are not disclosed

by D1 and therefore can be seen to make the following contribution over this prior art (Special Technical Features (STF), (Rule 13.2 PCT)): **the module comprises a tray or a removable tray or one or more cup holders.**

From these STF the objective problem to be solved by the 7th invention can be construed as: **how to use the module as a service surface.**

#### **Invention 8**

The additional features of dependent claim 7 are not disclosed by D1 and therefore can be seen to make the following contribution over this prior art (Special Technical Features (STF), (Rule 13.2 PCT)): surfaces on the first and second panels provide a tray when in the lowered position.

From these STF the objective problem to be solved by the 8th invention can be construed as: **how to provide an extra service surface in the lowered position of the console.**

#### **Invention 9**

The additional features of dependent claim 11 are not disclosed by D1 and therefore can be seen to make the following contribution over this prior art (Special Technical Features (STF), (Rule 13.2 PCT)): **the module is configured to be supported by the first and second panels.**

From these STF the objective problem to be solved by the 9th invention can be construed as: **how to provide an higher position of use for the module.**

#### **Invention 10**

The additional features of dependent claim 12 are not disclosed by D1 and therefore can be seen to make the following contribution over this prior art (Special Technical Features (STF), (Rule 13.2 PCT)): **a secondary storage space is provided between walls of the module and the flexible or the flexible member.**

From these STF the objective problem to be solved by the 10th invention can be

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/US 03/28922

construed as: **how to provide multiple storage positions.**

**Invention 11**

The additional features of dependent claim 13 are not disclosed by D1 and therefore can be seen to make the following contribution over this prior art (Special Technical Features (STF), (Rule 13.2 PCT)): **the module comprises a sliding top portion movable to expose an internal storage space of the module.**

From these STF the objective problem to be solved by the 11th invention can be construed as: **how to close the module.**

**Invention 12**

The additional features of the first alternative of dependent claim 14 are not disclosed by D1 and therefore can be seen to make the following contribution over this prior art (Special Technical Features (STF), (Rule 13.2 PCT)): **the module is a cooler.**

From these STF the objective problem to be solved by the 12th invention can be construed as: **how to find an alternative to the module of the prior art.**

**Invention 13**

The additional features of the second alternative of dependent claim 14 are not disclosed by D1 and therefore can be seen to make the following contribution over this prior art (Special Technical Features (STF), (Rule 13.2 PCT)): **the module is a children's module.**

From these STF the objective problem to be solved by the 13th invention can be construed as: **how to find an alternative to the module of the prior art.**

**Invention 14**

The additional features of the third alternative of dependent claim 14 are not disclosed by D1 and therefore can be seen to make the following contribution over this prior art (Special Technical Features (STF), (Rule 13.2 PCT)): **the module is a baby's module.**

From these STF the objective problem to be solved by the 14th invention can be construed as: **how to find an alternative to the module of the prior art.**

**Invention 15**

The additional features of the fourth alternative of dependent claim 14 are not disclosed by D1 and therefore can be seen to make the following contribution over this prior art (Special Technical Features (STF), (Rule 13.2 PCT)): **the module is an infotainment module.**

From these STF the objective problem to be solved by the 15th invention can be construed as: **how to find an alternative to the module of the prior art.**

**Invention 16**

The additional features of the fifth alternative of dependent claim 14 are not disclosed by D1 and therefore can be seen to make the following contribution over this prior art (Special Technical Features (STF), (Rule 13.2 PCT)): **the module is a work module.**

From these STF the objective problem to be solved by the 16th invention can be construed as: **how to find an alternative to the module of the prior art.**

**Invention 17**

The additional features of dependent claim 16 are not disclosed by D1 and therefore can be seen to make the following contribution over this prior art (Special Technical Features (STF), (Rule 13.2 PCT)): **the floor console further comprises a second module interchangeable with the first module to be configured to be removably retained by being at least partially disposed in the storage area.**

Among the additional features of dependent claim 17 that are not disclosed by D1 the following can be seen to make the contribution over this prior art (Special Technical Features (STF), (Rule 13.2 PCT)): **the floor console further comprises a second module configured to be removably retained by being at least partially disposed in the second storage area; wherein the first and second modules are interchangeable.**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

---

International application No. PCT/US 03/28922

From these STF the objective problem to be solved by the 17th invention can be construed as: **how to improve the modularity of the console.**

**Invention 18**

The additional features of dependent claim 18 are not disclosed by D1 and therefore can be seen to make the following contribution over this prior art (Special Technical Features (STF), (Rule 13.2 PCT)): **the floor console further comprises a plurality of storage components adaptable for reconfigurable use with the base or the module.**

From these STF the objective problem to be solved by the 18th invention can be construed as: **how to reduce the number of storage components.**

The above analysis shows that the special technical features of any one of the inventions 1 to 18 are neither the same nor corresponding to those of any other invention of the inventions 1 to 18.

It also shows that the objective problems underlying the subjects of the inventions 1 to 18 are either known from the prior art or different from each other.

Consequently, neither the objective problem underlying the subjects of the claimed inventions, nor their solutions defined by their special technical features, allow for a technical relationship to be established between the said inventions which involves a single general inventive concept.

In conclusion, therefore, the 18 groups of claims are not linked by common or corresponding special technical features and define 18 different inventions not linked by a single general inventive concept.

The application, hence does not meet the requirements of Unity of Invention as defined in Rule 13(1) & (2) PCT.

**Re Item V**

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US 03/28922

Reference is made to the following documents:

D1: JP9328039A,  
D2: US2001/0020631 A.

D1 discloses (see abstract and figures) a floor console **suitable** for use in a vehicle, the floor console comprising:

a base 5 **suitable for being coupled to the vehicle 2 between a first seat and a second seat located in a row of seats in the vehicle;**

a first panel 6 and a second panel 9 rotatably coupled to the base 5 **(the second panel 9 is rotatably coupled through the hinge 13 to the first panel 6 which itself is rotatably coupled through the hinge 7 to the base 5, so that the second panel 9 is rotatably coupled to the base 5)** and rotatable between a lowered position and a raised position to provide additional storage capabilities;

a first flexible member 16 and a second flexible member 16 coupled to the first panel 6 and to the second panel 9, wherein a storage area is provided by the first panel 6, the second panel 9, the first flexible member 16 and second flexible member 16, and the base 5 when the first panel 6 and the second panel 9 are rotated to the raised position;

a module 11 configured to be removably retained by being disposed in the storage area,

wherein the floor console provides a low profile condition when the first panel 6 and the second 9 panels are in the lowered position and provides an additional storage area condition when the first panel 6 and the second panel 9 are in the upright position.

**D1 discloses therefore the features of independent claim 1.**

**The present application does not meet the requirements of Article 33(2) PCT, because the subject-matter of claim 1 is not new.**

Dependent claims 8, 9, 10, 15 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, the reasons being as follows:

D1 discloses also the features of dependent claims:

8 (see D1, fig. 2, 3, 4), actually that each of the first and second flexible members 16 comprise netting;

9 (see D1, fig. 2, 3, 4), actually that the netting is coupled to a rigid frame 8a;

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

---

International application No. PCT/US 03/28922

10 (see D1, figures), actually that the first and second panels 16 are configured for pivotal movement and provide side walls when in the upright position;  
15 (see D1, figure 2), actually that the first panel 6 is disposed towards the front of the vehicle, the second panel 9 is disposed towards the rear of the vehicle;

The additional features of dependent claim 2 are not disclosed by D1 and therefore can be seen to make the following contribution over this prior art: **the first and second panels are spring biased to the raised position or the lowered position.**

**The problem to be solved by the present invention may therefore be regarded as how to facilitate opening or closing of the panels.**

The solution proposed in claim 2 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons.

The additional features of the first alternative of dependent claim 2 (first and second panels are spring biased to the raised position) have already been employed for the same purpose in a similar floor console, see D2, § 43, fig. 17. It would be obvious to the person skilled in the art, namely when the same result is to be achieved, to apply these features with corresponding effect to a floor console according to D1, thereby arriving at a floor console according to the first alternative of claim 2. **The subject-matter of the first alternative of claim 2 does therefore not involve an inventive step (Article 33(3) PCT).**

Moreover it is generally known to the person skilled in the art that to use the spring of D2 to bias the first and second panels into the lowered position instead of into the raised position is an equivalent and can be interchanged with that feature where circumstances make it desirable.

**The subject-matter of the second alternative of claim 2 does therefore not involve an inventive step (Article 33(3) PCT).**

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